

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: JONATHAN CHRISTOPHER BOLIEK : CHAPTER 13
Debtor(s) :
: CHARLES J. DEHART, III :
STANDING CHAPTER 13 TRUSTEE :
Movant :
: vs. :
: JONATHAN CHRISTOPHER BOLIEK :
Respondent(s) : CASE NO. 4-19-bk-03398

TRUSTEE'S OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 12th day of September, 2019, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(1) in that the debtor(s) has not submitted all or such portion of the disposable income to the Trustee as required. More specifically,

Trustee alleges and avers that debtor(s)' disposable income is greater than that which is committed to the plan based upon disposable income on Schedules I and J and specifically disputes the following amounts:

a. New job

2. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(b)(1) in that the plan classifies unsecured claims but unfairly discriminates certain claims in the designation. More specifically, the plan provides for payment of:

a. Student loan

3. Debtor(s) not entitled to a discharge.

4. The Trustee avers that debtor(s)' plan is not feasible based upon the following:

a. The plan is underfunded relative to claims to be paid.

5. Trustee avers that debtor(s)' plan is not feasible and cannot be administered due to the lack of the following:

a. 2018 Federal Income Tax return.

b. Paystub for month ending September 30, 2019.

6. The Trustee provides notice to the Court as to the ineffectiveness of debtor(s) Chapter 13 Plan for the following reasons:

- a. Failure to use the Model Plan as adopted by the Court.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

/s/Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

CERTIFICATE OF SERVICE

AND NOW, this 16th day of September, 2019, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Jonathan Christopher Boliek
2301 Jalice Cir.
State College, PA 16801

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee